UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,384	10/28/1999	STEPHEN WILLARD DICKSON	200308268-1	4583

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EXAMINER
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ART UNIT	PAPER NUMBER
2162	

NOTIFICATION DATE	DELIVERY MODE
12/14/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	□□1□□□□□□□□□F1□□□□□□ 09/428,384	DICKSON, STEPHEN WILLARD
	Examiner	Art Unit	
	Anh Ly	2162	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). .

Status

1)☒ Responsive to communication(s) filed on <u>14 September 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 October 1999</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20071201

DETAILED ACTION

1.   This Office Action is response to Applicant's Response filed on 09/14/2007.

Reopening of Procecution after Appeal Brief or Reply Brief

2.   In view of the Appeal Brief or Reply Brief filed on 09/14/2007, PROSECUTION IS

HEREBY REOPENED. A new Ground rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37.

The previously paid notice of appeal fee and appeal brief fee can be applied to

the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been

increased since they were previously paid, then appellant must pay the difference

between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below.

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER

3.   Claims 1- 40 are pending this Application.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by US

Patent No. 6,122,629 issued to Walker et al. (hereinafter Walker).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art

under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the

invention "by another," or by an appropriate showing under 37 CFR 1.131.

With respect to claim 1, Walker teaches a computerized data file system (a

computer cluster in fig. 1 includes server nodes and client nodes, col. 6, lines 20-50),

comprising:

a first process that maintains a data file in a computer-readable memory (server

nodes having data file storing on the disks: fig. 1, items 102a, 102b, 104 and 106, col. 6,

lines 32-58);

a second process that generates a first message requesting (client server node,

fig. 1, items 102c and 102d, generating/sending a request to server nodes) that said

second process be granted by said first process (server nodes, items 102a and 102b in

fig. 1) a plurality of tokens required for said second process to modify at least one

characteristic of said file stored in said computer-readable memory (figs. 12 and 13, and

3 and 4: more than one token are returned from server nodes after receiving the

requesting message of client nodes: col. 7, lines 10-30, col. 13, lines 40-57 and col. 14,

lines 1-58; also, col. 9, lines 8-25); and

said first process generating a second message, in response to said first

message, that grants said tokens to said second process if said tokens are available for

grant to said second process (figs. 12 and 13 and fig. 3, server node return more than

one token to client node, col. 13, lines 40-57 and col. 14, lines 1-58).

With respect to claim 2, Walker teaches said first process is resident at a server

computer node, and said second process is resident at a client computer node (see fig.

1 and fig. 3, server node and client node).

With respect to claim 3, Walker teaches if any of said tokens are unavailable for

grant to said second process as a result of current grant of said tokens to at least one

other process, said first process generates a third message revoking the current grant

of said tokens to said at least one other process (abstract, col. 7, lines 25-50).

With respect to claim 4, Walker teaches said at least one other process, in

response to said third message, generates a fourth message making said tokens

available for grant by said first process (abstract and col. 7, lines 25-50, col. 11, lines 8-22 and col. 12, lines 22-28).

With respect to claim 5, Walker teaches said first process resides in a first computer node; said second process resides in a second computer node; said at least one other process resides in at least one other computer node; and said first computer, second computer, and at least one other computer nodes are networked together and are remote from each other (client/server architecture network with network file system and distributing file system: see fig.1 and fig. 3).

With respect to claim 6, Walker teaches a computer node (a computer cluster in fig. 1 includes server nodes and client nodes, col. 6, lines 20-50), comprising:

a first process residing in said node (server computer node in fig. 1) that generates a first message that grants a set of tokens, if the set of tokens is available for grant (figs. 3, 12 and 13), to a second process (client computer node in fig. 1) that requested grant of the set of tokens, the set of tokens being required for the second process to be able to modify at least one characteristic of a file stored in a computer-readable memory within the computer node (figs. 1, 3, 4, 12 and 13: more than one token are returned from server nodes after receiving the requesting message of client nodes: col. 7, lines 10-30, col. 13, lines 40-57 and col. 14, lines 1-58; also, col. 9, lines 8-25).

With respect to claims 7-9, Walker teaches each of the processes resides in a respective one of computer nodes; one of the processes resides in a server computer node and the other of the processes resides in a client computer node; if at least one

token in the set of tokens is unavailable for grant because the at least one token is
currently granted to a third process, that revokes current grant of the at least one token
to the third process prior to generating the first message the first message is generated
by the first process in response to a request for the grant of the set of tokens generated
by the second process (see fig. 1, 3, 4, 12 and 13, server nodes having data file storing
on the disks: fig. 1, items 102a, 102b, 104 and 106, col. 6, lines 32-58; server nodes,
items 102a and 102b in fig. 1; figs. 12 and 13, and 3 and 4: more than one token are
returned from server nodes after receiving the requesting message of client nodes: col.
7, lines 10-30, col. 13, lines 40-57 and col. 14, lines 1-58; also, col. 9, lines 8-25; and
figs. 12 and 13 and fig. 3, server node return more than one token to client node, col.
13, lines 40-57 and col. 14, lines 1-58).

With respect to claim 10, Walker teaches wherein: 2 the first message is
generated by the first process in response to a request for the grant of the set of tokens
generated by the second process, the request specifying all tokens required for the
second process to be able to modify the at least one characteristic of the file (col. 7,
lines 60-67 and col. 8, lines 1-35).

With respect to claim 11, Walker teaches a computer node, comprising a first
process residing in said node that generates a request to a second process for grant of
a set of tokens required to enable the first process to modify at least one characteristic
of a tile residing in a remote computer-readable memory (see fig. 1, 3, 4, 12 and 13,
server nodes having data file storing on the disks: fig. 1, items 102a, 102b, 104 and
106, col. 6, lines 32-58; server nodes, items 102a and 102b in fig. 1; figs. 12 and 13,

and 3 and 4: more than one token are returned from server nodes after receiving the requesting message of client nodes: col. 7, lines 10-30, col. 13, lines 40-57 and col. 14, lines 1-58; also, col. 9, lines 8-25; and figs. 12 and 13 and fig. 3, server node return more than one token to client node, col. 13, lines 40-57 and col. 14, lines 1-58).

With respect to claim 12, Walker teaches the second process resides in a second computer node, and the memory is comprised in said second node (fig. 1 and each computer node has its own memory and processor).

With respect to claim 13, Walker teaches wherein: the set of tokens comprises all tokens required for the first process to be able to modify the at least one characteristic of the file (col. 7, lines 62-67 and col. 8, lines 1-35).

With respect to claim 14, Walker teaches a network computer system (a computer network system such client/server architecture: fig. 1 and fig. 3), comprising:

a first computer node having a data file stored in a computer-readable memory; and a second computer node that issues to the first computer node a first message requesting pant of a set of tokens required to carry out a modification of at least one characteristic of said file stored in the first computer node; 6 the first computer node issuing a second message to the second computer node after receipt of the first message, the second message granting the set of tokens to the first process if the set of tokens is available for grant to the second process (see fig. 1, 3, 4, 12 and 13, server nodes having data file storing on the disks: fig. 1, items 102a, 102b, 104 and 106, col. 6, lines 32-58; server nodes, items 102a and 102b in fig. 1; figs. 12 and 13, and 3 and 4: more than one token are returned from server nodes after receiving the requesting

message of client nodes: col. 7, lines 10-30, col. 13, lines 40-57 and col. 14, lines 1-58;

also, col. 9, lines 8-25; and figs. 12 and 13 and fig. 3, server node return more than one

token to client node, col. 13, lines 40-57 and col. 14, lines 1-58).

With respect to claim 15, Walker teaches the first computer node is a server

node, and the second computer node is a non-server node (fig. 1, server node and

client node).

With respect to claim 16, Walker teaches wherein: the set of tokens comprises all

tokens required to carry out the modification of the at least one characteristic of the file

(col. 8, lines 1-35).

With respect to claim 17, Walker teaches wherein: if at least one token in the set

of tokens is unavailable for the grant because the at least one token is currently

granted, the first computer node waits to issue the first message until after the first

computer node receives a third message from a third computer node indicating

relinquishment of current rant of the at least one token (see fig. 1, 3, 4, 12 and 13,

server nodes having data file storing on the disks: fig. 1, items 102a, 102b, 104 and

106, col. 6, lines 32-58; server nodes, items 102a and 102b in fig. 1; figs. 12 and 13,

and 3 and 4: more than one token are returned from server nodes after receiving the

requesting message of client nodes: col. 7, lines 10-30, col. 13, lines 40-57 and col. 14,

lines 1-58; also, col. 9, lines 8-25; and figs. 12 and 13 and fig. 3, server node return

more than one token to client node, col. 13, lines 40-57 and col. 14, lines 1-58).

With respect to claim 18, Walker teaches wherein: the at least one token comprises a plurality of tokens (fig. 12 and 13: return from server node more than one token at one requesting message: col. 14, lines 1-60).

Claim 19 is essentially the same as claim 1 except that it is directed to a computer-readable memory containing computer-executable program instructions rather than a computerized data file system, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 20 is essentially the same as claim 6 except that it is directed to a computer-readable memory containing computer-executable program instructions rather than a computer node, and is rejected for the same reason as applied to the claim 6 hereinabove.

Claim 21 is essentially the same as claim 11 except that it is directed to a computer-readable memory containing computer-executable program instructions rather than a computer node, and is rejected for the same reason as applied to the claim 11 hereinabove.

Claim 22 is essentially the same as claim 3 except that it is directed to a computer-readable memory containing computer-executable program instructions rather than a computerized data file system, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 23 is essentially the same as claim 4 except that it is directed to a computer-readable memory containing computer-executable program instructions rather

than a computerized data file system, and is rejected for the same reason as applied to

the claim 4 hereinabove.

Claim 24 is essentially the same as claim 9 except that it is directed to a

computer-readable memory containing computer-executable program instructions rather

than a computer node, and is rejected for the same reason as applied to the claim 9

hereinabove.

Claim 25 is essentially the same as claim 10 except that it is directed to a

computer-readable memory containing computer-executable program instructions rather

than a computer node, and is rejected for the same reason as applied to the claim 10

hereinabove.

Claim 26 is essentially the same as claim 13 except that it is directed to a

computer-readable memory containing computer-executable program instructions rather

than a computer node, and is rejected for the same reason as applied to the claim 13

hereinabove.

Claim 27 is essentially the same as claim 1 except that it is directed to a

computer data file system with means for rather than a computerized data file system,

and is rejected for the same reason as applied to the claim 1 hereinabove.

With respect to claim 28, Walker teaches a system further comprising: means for

generating, if any of said tokens are unavailable for grant to said second process as a

result of current grant of said tokens, a third message revoking the current grant of said

tokens (abstract, figs. 12 and 13, also figs. 3 and 4: col. 13, lines 35-67 and col. 14,

lines 1-58; also col. 7, lines 10-40 and col. 11, lines 8-22).

With respect to claim 29, Walker teaches a system further comprising: means for generating, in response to said third message, generates a fourth message making said tokens available for grant (abstract, figs. 12 and 13, also figs. 3 and 4: col. 13, lines 35-67 and col. 14, lines 1-58; also col. 7, lines 10-40 and col. 11, lines 8-22).

Claim 30 is essentially the same as claim 1 except that it is directed to a method rather than a computerized data file system, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 31 is essentially the same as claim 3 except that it is directed to a method rather than a computerized data file system, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 32 is essentially the same as claim 4 except that it is directed to a method rather than a computerized data file system , and is rejected for the same reason as applied to the claim 4 hereinabove.

Claim 33 is essentially the same as claim 6 except that it is directed to a method rather than a computerized data file system, and is rejected for the same reason as applied to the claim 6 hereinabove.

Claim 34 is essentially the same as claim 9 except that it is directed to a method rather than a computerized data file system, and is rejected for the same reason as applied to the claim 9 hereinabove.

Claim 35 is essentially the same as claim 10 except that it is directed to a method rather than a computerized data file system, and is rejected for the same reason as applied to the claim 10 hereinabove.

Claim 36 is essentially the same as claim 11 except that it is directed to a method rather than a computerized data file system, and is rejected for the same reason as applied to the claim 11 hereinabove.

Claim 37 is essentially the same as claim 13 except that it is directed to a method rather than a computerized data file system, and is rejected for the same reason as applied to the claim 13 hereinabove.

With respect to claim 38, Walker teaches wherein: said second process, in response to receiving said second message, modifies said at least one characteristic of said file stored in said computer-readable memory (tokens represent an authorization for a process to perform a certain function, e.g., a "read" token permit client to read data while a "write" token permits the client to update data: col. 6, lines 8-15).

With respect to claim 39, Walker teaches the system further comprising: means for modifying said at least one characteristic of said file stored in said computer-readable memory (col. 8, lines 25-55, col. 9, lines 8-35 and lines 57-67 and col. 10, lines 1-12).

With respect to claim 40, Walker teaches a method further comprising: modifying said at least one characteristic of said file stored in said computer-readable memory (col. 8, lines 25-55, col. 9, lines 8-35 and lines 57-67 and col. 10, lines 1-12).

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the examiner should directed to ANH LY, whose telephone number is (571) 272-4039 or via

e-mail: ANH.LY@USPTO.GOV (written authorization being given by Applicant(s) -

MPEP 502.03 [R-2]) or fax to (571) 273-4039 (unofficial fax number directly to

Examiner's Office).

The examiner can normally be reached on TUESDAY – THURSDAY from 8:30

AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, **John Breene,** can be reached on **(571) 272-4107.**

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed

to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to:

Central Fax Center: (571) 273-8300

ANH LY /—
DEC. 1st, 2007